

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DANIEL DAUWALDER,

Plaintiff,

v.

J. ATHERTON, et al.,

Defendants.

Case No.: 1:24-cv-00523-JLT-SKO

**ORDER REFERRING CASE TO POST-
SCREENING ADR AND STAYING CASE
FOR 120 DAYS**

FORTY-FIVE (45) DAY DEADLINE

Plaintiff Daniel Dauwalder is proceeding pro se in this civil rights action pursuant to 42 U.S.C. section 1983. The action proceeds on Plaintiff's Eighth Amendment claims: excessive force against Defendants Atherton and Perez and deliberate indifference to serious medical needs against Defendants Davydov and Garmendia.

The Court refers all civil rights cases filed by pro se inmates to Alternative Dispute Resolution ("ADR") to attempt to resolve such cases more expeditiously and less expensively.

The Court stays this action for 120 days to allow the parties to investigate Plaintiff's claims, meet and confer, and participate in an early settlement conference. The Court presumes that all post-screening civil rights cases assigned to the undersigned will proceed to a settlement conference. However, if, after investigating Plaintiff's claims and meeting and conferring, either party finds that a settlement conference would be a waste of resources, the party may opt out of the early settlement conference.

Accordingly, it is hereby **ORDERED**:

1. This action is **STAYED** for **120 days** to allow the parties an opportunity to settle their dispute before the discovery process begins. No pleadings or motions may be filed in this case during the stay. The parties shall not engage in formal discovery, but they may engage in informal discovery to prepare for the settlement conference.
2. **Within 45 days** from the date of this Order, the parties **SHALL** file the attached notice, indicating their agreement to proceed to an early settlement conference or their belief that settlement is not achievable at this time.
3. **Within 60 days** from the date of this Order, defense counsel **SHALL** contact the undersigned's Courtroom Deputy Clerk at wkusamura@caed.uscourts.gov to schedule the settlement conference, assuming the parties agree to participate in an early settlement conference.
4. If the parties reach a settlement during the stay of this action, they **SHALL** file a Notice of Settlement as required by Local Rule 160.
5. The Clerk of the Court **SHALL** serve a copy of this Order to ADR Coordinator Sujean Park.
6. The parties **SHALL** keep the Court informed of their current addresses during the stay and the pendency of this action. Changes of address must be reported promptly in a Notice of Change of Address. *See* L.R. 182(f).

IT IS SO ORDERED.

Dated: **February 3, 2025**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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NOTICE REGARDING EARLY
SETTLEMENT CONFERENCE

1. The party or counsel agrees that an early settlement conference would be productive and wishes to engage in an early settlement conference.

Yes _____ No _____

2. Plaintiff (check one):

_____ would like to participate in the settlement conference in person.

_____ would like to participate in the settlement conference by telephone or video conference.

Dated:

Plaintiff or Counsel for Defendants